

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 3901-3950.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3901. Misbranding and alleged adulteration of macaroni. U. S. v. Atlantic Macaroni Co. Plea of guilty to the charge of misbranding. Fine, \$250. Charges of adulteration withdrawn. (F. & D. No. 4536. I. S. Nos. 2076-d, 3177-d, 3178-d, 15313-d.)

On October 20, 1913, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, in 8 counts, against the Atlantic Macaroni Co., a corporation, Long Island City, N. Y., alleging shipment in interstate commerce by said defendant, in violation of the Food and Drugs Act, of quantities of macaroni which were misbranded and alleged to have been adulterated:

(1) On or about February 3, 1912, from the State of New York into the State of Pennsylvania. This product was labeled: "Macaroni Savoia Brand Gragnano Artificially colored Manufactured in New York State Style Guaranteed under the Food and Drug Act, June 30, 1906. Serial No. 3880. (Device of shield with a white cross and red background.)"

(2) Between December 18, 1911, and January 18, 1912, from the State of New York into the State of Connecticut. This product was labeled: "Paste Alimentary Abruzzi Brand Extra Quality Macaroni Artificially Colored. (Picture of the Duke of Abruzzi.)"

(3) Between March 8, 1912, and March 14, 1912, from the State of New York into the State of Massachusetts. This consignment was labeled: "Paste Alimentary Macaroni Trionfo Brand. Artificially Colored. (Design of a soldier, in foreign uniform, holding a foreign flag.)"

(4) Between February 5 and March 11, 1912, from the State of New York into the State of Massachusetts. This consignment was labeled: "Paste Alimentary Abruzzi Extra Quality Macaroni. Artificially Colored. (Picture of the Duke of Abruzzi.)"

Analyses of samples of the product in the various consignments showed that the same were colored with a coal-tar dye, namely, Naphthol Yellow S. It was also shown by analysis and comparison of the samples with other samples of macaroni

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of known history that the macaroni in the samples was made from flour of inferior grade for macaroni-making purposes, having only a small quantity of semolina or the best grade of material from which macaroni is made, and that therefore the artificial coloring matter added to the samples was used for the purpose of simulating macaroni made from the best durum semolina.

Adulteration of the product was alleged in the first, third, fifth, and seventh counts of the information, for the reason that it was colored and stained with a coal-tar dye known as Naphthol Yellow S [No. 4], in a manner whereby inferiority of said food and food product was concealed. Misbranding of the product contained in the first-mentioned consignment was alleged in the second count of the information, for the reason that the label on each of the boxes of food and food product bore words, figures, signs, devices, and pictures, to wit, the words "Savoia Brand Gragnano," with a design of a shield bearing a white cross on a red background, which said words, figures, signs, devices, and pictures were false and misleading, in that said words, figures, signs, devices, and pictures were calculated to give the purchaser thereof the impression, and to deceive and mislead the purchaser into the belief that said food and food product called macaroni was a foreign product, and by and through said labels and the words, figures, signs, devices, and pictures thereon, the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product, but was manufactured in the United States.

Misbranding of the product in the next-mentioned consignment was alleged in the fourth count of the information, for the reason that the label on each of the boxes of said food and food products bore words, figures, signs, devices, and pictures, to wit, the words "Paste Alimentary Abruzzi Brand" and the picture of the Duke of Abruzzi, which said words, figures, signs, devices, and pictures were false and misleading, in that they were calculated to give the purchaser of said food and food product the impression, and to deceive and mislead the purchaser into the belief that said food and food product called macaroni was a foreign product, and by and through said labels and words, figures, signs, devices, and pictures thereon the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product and was manufactured in the United States.

Misbranding of the product in the next-mentioned consignment was alleged in the sixth count of the information, for the reason that the label on each of the boxes of said food and food product bore words, figures, signs, devices, and pictures, to wit, the words "Paste Alimentary Trionfo," and the design of a soldier, in foreign uniform, holding a foreign flag, which said words, figures, signs, devices, and pictures were false and misleading, in that said words, figures, signs, devices, and pictures were calculated to give the purchaser of said food and food product the impression, and to deceive and mislead the purchaser into the belief that said food and food product called macaroni was a foreign product, and by and through said labels and words, figures, signs, devices, and pictures thereon the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product and was manufactured in the United States.

Misbranding of the product in the next-mentioned shipment was alleged in the eighth count of the information, for the reason that the label on each of the boxes of said food and food product bore words, figures, signs, and pictures, to wit, the words "Paste Alimentary Abruzzi Brand" and the picture of the Duke of Abruzzi on the label, which said words, figures, signs, devices, and pictures were false and misleading, in that said words, figures, signs, devices, and pictures were calculated to give the purchaser of said food and food product the impression, and to deceive and mislead the purchaser into the belief that said food product called macaroni was a foreign

product, and by and through said label, words, figures, signs, devices, and pictures thereon the said food and food product purported to be a foreign product, whereas, in truth and in fact, it was not a foreign product and was manufactured in the United States.

On January 26, 1915, the defendant company entered a plea of guilty to counts 2, 4, 6, and 8 of the information charging misbranding, and the court imposed a fine of \$250. Counts 1, 3, 5, and 7, charging adulteration of the product, were dismissed.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *June 8, 1915.*